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102D CONGRESS
1ST SESSION

H. R. 556

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To provide for the Secretary of Veterans Affairs to obtain independent scientific review of the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 17, 1991

Mr. MONTGOMERY (for himself, Mr. STUMP, Mr. EDWARDS of California, Mr. HAMMERSCHMIDT, Mr. APPELATE, Mr. WYLIE, Mr. EVANS, Mr. SMITH of New Jersey, Mr. PENNY, Mr. BURTON of Indiana, Mr. STAGGERS, Mr. BILIRAKIS, Mr. ROWLAND, Mr. RIDGE, Mr. SLATTEBY, Mr. JAMES, Mr. HARRIS, Mr. STEARNS, Mr. KENNEDY, Mr. PAXON, Mrs. PATTERSON, Mr. SANGMEISTER, Mr. JONES of Georgia, Ms. LONG, Mr. EDWARDS of Texas, Mr. NICHOLS, Mr. PETERSON of Florida, Mr. SANTORUM, Ms. WATERS, Mr. STENHOLM, Mr. JONTZ, Mr. PAYNE of Virginia, Mr. PARKER, Mr. GEREN of Texas, Mr. HEFNER, Mr. RICHARDSON, and Mr. JENKINS) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To provide for the Secretary of Veterans Affairs to obtain independent scientific review of the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the "Agent Orange Act of
3 1991".

4 SEC. 2. PRESUMPTION OF SERVICE CONNECTION FOR DIS-
5 EASES ASSOCIATED WITH EFFECTS OF EXPO-
6 SURE TO CERTAIN HERBICIDE AGENTS.

7 (a) IN GENERAL.—(1) Chapter 11 of title 38, United
8 States Code, is amended by adding at the end of subchapter
9 II the following new section:

10 "§ 316. Presumptions of service connection for diseases
11 associated with effects of exposure to certain
12 herbicide agents

13 "(a)(1) For the purposes of section 310 of this title, and
14 subject to section 313 of this title—

15 "(A) a disease specified in paragraph (2) of this
16 subsection becoming manifest as specified in that para-
17 graph in a veteran who, during active military, naval,
18 or air service, served in the Republic of Vietnam
19 during the Vietnam era; and

20 "(B) each additional disease (if any) that (1) the
21 Secretary determines in regulations prescribed under
22 this section warrants a presumption of service-connec-
23 tion by reason of having positive association with expo-
24 sure to an herbicide agent, and (2) becomes manifest
25 within the period (if any) prescribed in such regulations
26 in a veteran who, during active military, naval, or air

1 service, served in the Republic of Vietnam during the
2 Vietnam era and while so serving was exposed to that
3 herbicide agent,

4 shall be considered to have been incurred in or aggravated by
5 such service, notwithstanding that there is no record of evi-
6 dence of such disease during the period of such service.

7 “(2) The diseases referred to in paragraph (1)(A) of this
8 subsection are the following:

9 “(A) Non-Hodgkin’s lymphoma becoming manifest
10 to a degree of disability of 10 percent or more.

11 “(B) Each soft-tissue sarcoma becoming manifest
12 to a degree of disability of 10 percent or more other
13 than osteosarcoma, chondrosarcoma, Kaposi’s sarcoma,
14 or mesothelioma.

15 “(C) Chloracne or another acneform disease con-
16 sistent with chloracne becoming manifest to a degree of
17 disability of 10 percent or more within one year after
18 the last date on which the veteran performed active
19 military, naval, or air service in the Republic of Viet-
20 nam during the Vietnam era.

21 “(3) For the purposes of this subsection, a veteran who,
22 during active military, naval, or air service, served in the
23 Republic of Vietnam during the Vietnam era and has a dis-
24 ease referred to in paragraph (1)(B) of this subsection shall be
25 presumed to have been exposed during such service to an

1 herbicide agent containing dioxin or 2,4-dichlorophenoxyace-
2 tic acid, and may be presumed to have been exposed during
3 such service to any other chemical compound in an herbicide
4 agent, unless there is affirmative evidence to establish that
5 the veteran was not exposed to any such agent during that
6 service.

7 “(4) For purposes of this section, the term ‘herbicide
8 agent’ means a chemical in an herbicide used in support of
9 the United States and allied military operations in the Re-
10 public of Vietnam during the Vietnam era.

11 “(b)(1) Whenever the Secretary determines, on the basis
12 of sound medical and scientific evidence, that a positive asso-
13 ciation exists between (A) the exposure of humans to an her-
14 bicide agent, and (B) the occurrence of a disease in humans,
15 the Secretary shall prescribe regulations providing that a pre-
16 sumption of service connection is warranted for that disease
17 for the purposes of this section.

18 “(2) In making determinations for the purpose of this
19 subsection, the Secretary shall take into account (A) reports
20 received by the Secretary from the National Academy of Sci-
21 ences, and (B) all other sound medical and scientific informa-
22 tion and analyses available to the Secretary. In evaluating
23 any study for the purpose of making such determinations, the
24 Secretary shall take into consideration whether the results

1 are statistically significant, are capable of replication, and
2 withstand peer review.

3 “(3) An association between the occurrence of a disease
4 in humans and exposure to an herbicide agent in Vietnam
5 shall be considered to be positive for the purposes of this
6 section if the credible evidence for the association is equal to
7 or outweighs the credible evidence against the association.

8 “(c)(1)(A) Not later than 60 days after the date on
9 which the Secretary receives a report from the National
10 Academy of Sciences under this section, the Secretary shall
11 determine whether a presumption of service connection is
12 warranted for each disease covered by the report. If the Sec-
13 retary determines that such a presumption is warranted, the
14 Secretary, not later than 60 days after making the determi-
15 nation, shall issue proposed regulations setting forth the Sec-
16 retary’s determination.

17 “(B) If the Secretary determines that a presumption of
18 service connection is not warranted, the Secretary, not later
19 than 60 days after making the determination, shall publish in
20 the Federal Register a notice of that determination. The
21 notice shall include an explanation of the scientific basis for
22 that determination. If the disease already is included in regu-
23 lations providing for a presumption of service connection, the
24 Secretary, not later than 60 days after publication of the
25 notice of a determination that the presumption is not war-

1 ranted, shall issue proposed regulations removing the pre-
2 sumption for the disease.

3 “(2) Not later than 90 days after the date on which the
4 Secretary issues any proposed regulations under this subsec-
5 tion, the Secretary shall issue final regulations. Such regula-
6 tions shall be effective on the date of issuance.

7 “(d) Whenever a disease is removed from regulations
8 prescribed under this section—

9 “(1) a veteran who was awarded compensation for
10 such disease on the basis of the presumption provided
11 in subsection (a) before the effective date of the remov-
12 al shall continue to be entitled to receive compensation
13 on that basis; and

14 “(2) a survivor of a veteran who was awarded de-
15 pendency and indemnity compensation for the death of
16 a veteran resulting from such disease on the basis of
17 such presumption shall continue to be entitled to re-
18 ceive dependency and indemnity compensation on such
19 basis.

20 “(e) Subsections (b) through (d) shall cease to be effec-
21 tive 10 years after the first day of the fiscal year in which the
22 National Academy of Sciences transmits to the Secretary the
23 first report under section 3 of the Agent Orange Act of
24 1991.”.

1 (2) The table of sections at the beginning of such chap-
2 ter is amended by inserting after the item relating to section
3 315 the following new item:

"316. Presumptions of service connection for diseases associated with effects of ex-
posure to certain herbicide agents."

4 (b) CONFORMING AMENDMENT.—Section 313 of title
5 38, United States Code, is amended by inserting "or 316"
6 after "section 312" each place it appears.

7 **SEC. 3. AGREEMENT WITH NATIONAL ACADEMY OF SCIENCES.**

8 (a) PURPOSE.—The purpose of this section is to provide
9 for the National Academy of Sciences, an independent non-
10 profit scientific organization with appropriate expertise which
11 is not part of the Federal Government, to review and evalu-
12 ate the available scientific evidence regarding associations
13 between diseases and exposure to dioxin and other chemical
14 compounds in herbicides.

15 (b) AGREEMENT.—The Secretary shall seek to enter
16 into an agreement with the National Academy of Sciences for
17 the Academy to perform the services covered by this section.
18 The Secretary shall seek to enter into such agreement not
19 later than two months after the date of the enactment of this
20 Act.

21 (c) REVIEW OF SCIENTIFIC EVIDENCE.—Under an
22 agreement between the Secretary and the National Academy
23 of Sciences under this section, the Academy shall review and
24 summarize the scientific evidence, and assess the strength

1 thereof, concerning the association between exposure to an
2 herbicide used in support of the United States and allied mili-
3 tary operations in the Republic of Vietnam during the Viet-
4 nam era and each disease suspected to be associated with
5 such exposure.

6 (d) **SCIENTIFIC DETERMINATIONS CONCERNING DIS-**
7 **EASES.**—(1) For each disease reviewed, the Academy shall
8 determine (to the extent that available scientific data permit
9 meaningful determinations)—

10 (A) whether a statistical association with herbicide
11 exposure exists, taking into account the strength of the
12 scientific evidence and the appropriateness of the sta-
13 tistical and epidemiological methods used to detect the
14 association;

15 (B) the increased risk of the disease among those
16 exposed to herbicides during service in the Republic of
17 Vietnam during the Vietnam era; and

18 (C) whether there exists a plausible biological
19 mechanism or other evidence of a causal relationship
20 between herbicide exposure and the disease.

21 (2) The Academy shall include in its reports under sub-
22 section (f) a full discussion of the scientific evidence and rea-
23 soning that led to its conclusions under this subsection.

24 (e) **RECOMMENDATIONS FOR ADDITIONAL SCIENTIFIC**
25 **STUDIES.**—The Academy shall make any recommendations

1 it has for additional scientific studies to resolve areas of con-
2 tinuing scientific uncertainty relating to herbicide exposure.
3 In making recommendations for further study, the Academy
4 shall consider the scientific information that is currently
5 available, the value and relevance of the information that
6 could result from additional studies, and the cost and feasibili-
7 ty of carrying out such additional studies.

8 (f) **SUBSEQUENT REVIEWS.**—An agreement under sub-
9 section (a) shall require the National Academy of Sciences—

10 (1) to conduct as comprehensive a review as is
11 practicable of the evidence referred to in subsection (b)
12 that became available since the last review of such evi-
13 dence under this section; and

14 (2) make its determinations and estimates on the
15 basis of the results of such review and all other re-
16 views conducted for the purposes of this section.

17 (g) **REPORTS.**—(1) The agreement between the Secre-
18 tary and the National Academy of Sciences shall require the
19 Academy to transmit to the Secretary and the Committees on
20 Veterans' Affairs of the Senate and House of Representatives
21 periodic written reports regarding the Academy's activities
22 under the agreement. Such reports shall be submitted at least
23 once every two years (as measured from the date of the first
24 report).

1 (2) The first report under this subsection shall be trans-
2 mitted not later than the end of the 18-month period begin-
3 ning on the date of the enactment of this Act. That report
4 shall include (A) the determinations and discussion referred to
5 in subsection (d), (B) any recommendations of the Academy
6 under subsection (e), and (C) the recommendation of the
7 Academy as to whether the provisions of each of sections 6
8 through 9 should be implemented by the Secretary. In
9 making its recommendation with respect to each such sec-
10 tion, the Academy shall consider the scientific information
11 that is currently available, the value and relevance of the
12 information that could result from implementing that section,
13 and the cost and feasibility of implementing that section. If
14 the Academy recommends that the provisions of section 6
15 should be implemented, the Academy shall also recommend
16 the means by which clinical data referred to in that section
17 could be maintained in the most scientifically useful way.

18 (h) **LIMITATION ON AUTHORITY.**—The authority to
19 enter into agreements under this section shall be effective for
20 a fiscal year to the extent that appropriations are available.

21 (i) **SUNSET.**—This section shall cease to be effective 10
22 years after the last day of the fiscal year in which the Nation-
23 al Academy of Sciences transmits to the Secretary the first
24 report under subsection (g).

1 (j) ALTERNATIVE CONTRACT SCIENTIFIC ORGANIZA-
 2 TION.—If the Secretary is unable within the time period pre-
 3 scribed in subsection (a) to enter into an agreement with the
 4 National Academy of Sciences for the purposes of this section
 5 on terms acceptable to the Secretary, the Secretary shall
 6 seek to enter into an agreement for the purposes of this sec-
 7 tion with another appropriate scientific organization that is
 8 not part of the Government and operates as a not-for-profit
 9 entity and that has expertise and objectivity comparable to
 10 that of the National Academy of Sciences. If the Secretary
 11 enters into such an agreement with another organization,
 12 then any reference in this section and in section 316 of title
 13 38, United States Code (as added by section 2), to the Na-
 14 tional Academy of Sciences shall be treated as a reference to
 15 the other organization.

16 SEC. 4. OUTREACH SERVICES.

17 Section 1204(a) of the Veterans' Benefits Improvement
 18 Act of 1988 (division B of Public Law 100-687; 102 Stat.
 19 4125) is amended—

20 (1) in clause (1), by striking out “, as such infor-
 21 mation on health risks becomes known”;

22 (2) by redesignating clauses (1) and (2) as clauses
 23 (A) and (B), respectively;

24 (3) by inserting “(1)” after “PROGRAM.—”; and

1 (4) by adding at the end the following new para-
2 graph:

3 “(2) The Secretary of Veterans Affairs shall annually
4 furnish updated information on health risks described in para-
5 graph (1)(A) to veterans referred to in paragraph (1).”.

6 **SEC. 5. EXTENSION OF HEALTH-CARE ELIGIBILITY BASED ON**
7 **EXPOSURE TO AGENT ORANGE OR IONIZING**
8 **RADIATION.**

9 Section 610(e)(3) of title 38, United States Code, is
10 amended by striking out “December 31, 1990” and inserting
11 in lieu thereof “December 31, 1993”.

12 **SEC. 6. RESULTS OF EXAMINATIONS AND TREATMENT OF**
13 **VETERANS FOR DISABILITIES RELATED TO EX-**
14 **POSURE TO CERTAIN HERBICIDES OR TO SERV-**
15 **ICE IN VIETNAM.**

16 (a) **IN GENERAL.**—Subject to subsections (d) and (e),
17 the Secretary of Veterans Affairs shall compile and analyze,
18 on a continuing basis, all clinical data that (1) is obtained by
19 the Department of Veterans Affairs in connection with ex-
20 aminations and treatment furnished to veterans by the De-
21 partment after November 3, 1981, by reason of eligibility
22 provided in section 610(e)(1)(A) of title 38, United States
23 Code, and (2) is likely to be scientifically useful in determin-
24 ing the association, if any, between the disabilities of veter-
25 ans referred to in such section and exposure to dioxin or any

1 other toxic substance referred to in such section or between
2 such disabilities and active military, naval, or air service in
3 the Republic of Vietnam during the Vietnam era.

4 (b) ANNUAL REPORT.—The Secretary shall submit to
5 the Committees on Veterans' Affairs of the Senate and the
6 House of Representatives an annual report containing—

7 (1) the information compiled in accordance with
8 subsection (a);

9 (2) the Secretary's analysis of such information;

10 (3) a discussion of the types and incidences of dis-
11 abilities identified by the Department of Veterans Af-
12 fairs in the case of veterans referred to in subsection
13 (a);

14 (4) the Secretary's explanation for the incidence of
15 such disabilities;

16 (5) other explanations for the incidence of such
17 disabilities considered reasonable by the Secretary; and

18 (6) the Secretary's views on the scientific validity
19 of drawing conclusions from the incidence of such dis-
20 abilities, as evidenced by the data compiled under sub-
21 section (a), about any association between such disabil-
22 ities and exposure to dioxin or any other toxic sub-
23 stance referred to in section 610(e)(1)(A) of title 38,
24 United States Code, or between such disabilities and

1 active military, naval, or air service, in the Republic of
2 Vietnam during the Vietnam era.

3 (c) **FIRST REPORT.**—The first report under subsection
4 (b) shall be submitted not later than one year after the effec-
5 tive date of this section.

6 (d) **FUNDING.**—The authority of the Secretary to carry
7 out this section is effective in any fiscal year only to the
8 extent or in the amount specifically provided in statutory lan-
9 guage in appropriations Acts.

10 (e) **EFFECTIVE DATE.**—(1) This section shall take
11 effect at the end of the 90-day period beginning on the date
12 on which the first report of the National Academy of Sci-
13 ences under section 3(f) is received by the Secretary, except
14 that this section shall not take effect if the Secretary, after
15 receiving that report and before the end of that 90-day
16 period—

17 (A) determines that it is not feasible or cost-effec-
18 tive to carry out this section or that carrying out this
19 section would not make a material contribution to the
20 body of scientific knowledge concerning the health ef-
21 fects in humans of herbicide exposure; and

22 (B) notifies the Committees on Veterans' Affairs
23 of the Senate and House of Representatives of the
24 Secretary's determination and the reasons therefor.

1 (2) In making a determination under this subsection, the
2 Secretary shall give great weight to the views and recom-
3 mendations of the Academy expressed in that report with
4 respect to the implementation of this section.

5 **SEC. 7. TISSUE ARCHIVING SYSTEM.**

6 (a) **ESTABLISHMENT OF SYSTEM.**—Subject to subsec-
7 tions (e) and (f), for the purpose of facilitating future scientific
8 research on the effects of exposure of veterans to dioxin and
9 other toxic agents in herbicides used in support of United
10 States and allied military operations in Vietnam during the
11 Vietnam era, the Secretary of Veterans Affairs shall establish
12 and maintain a system for the collection and storage of volun-
13 tarily contributed samples of blood and tissue of veterans who
14 performed active military, naval, or air service in Vietnam
15 during the Vietnam era.

16 (b) **SECURITY OF SPECIMENS.**—The Secretary shall
17 ensure that the tissue is collected and stored under physically
18 secure conditions and that the tissue is maintained in a condi-
19 tion that is useful for research referred to in subsection (a).

20 (c) **AUTHORIZED USE OF SPECIMENS.**—The Secretary
21 may make blood and tissue available from the system for re-
22 search referred to in subsection (a). The Secretary shall carry
23 out this section in a manner consistent with the privacy
24 rights and interests of the blood and tissue donors.

1 (d) LIMITATIONS ON ACCEPTANCE OF SAMPLES.—The
2 Secretary may prescribe such limitations on the acceptance
3 and storage of blood and tissue samples as the Secretary con-
4 siders appropriate consistent with the purpose specified in the
5 first sentence of subsection (a).

6 (e) FUNDING.—The authority of the Secretary to carry
7 out this section is effective in any fiscal year only to the
8 extent or in the amount specifically provided in statutory lan-
9 guage in appropriations Acts.

10 (f) EFFECTIVE DATE.—(1) This section shall take effect
11 at the end of the 90-day period beginning on the date on
12 which the first report of the National Academy of Sciences
13 under section 3(f) is received by the Secretary, except that
14 this section shall not take effect if the Secretary, after receiv-
15 ing that report and before the end of that 90-day period—

16 (A) determines that it is not feasible or cost-effec-
17 tive to carry out this section or that carrying out this
18 section would not make a material contribution to the
19 body of scientific knowledge concerning the health ef-
20 fects in humans of herbicide exposure; and

21 (B) notifies the Committees on Veterans' Affairs
22 of the Senate and House of Representatives of the
23 Secretary's determination and the reasons therefor.

24 (2) In making a determination under this subsection, the
25 Secretary shall give great weight to the views and recom-

1 mendations of the Academy expressed in that report with
2 respect to the implementation of this section.

3 **SEC. 8. SCIENTIFIC RESEARCH FEASIBILITY STUDIES PRO-**
4 **GRAM.**

5 (a) **ESTABLISHMENT OF PROGRAM.**—Subject to sub-
6 sections (e) and (f), the Secretary of Veterans Affairs shall
7 establish a program to provide for the conduct of studies of
8 the feasibility of conducting additional scientific research
9 on—

10 (1) health hazards resulting from exposure to
11 dioxin;

12 (2) health hazards resulting from exposure to
13 other toxic agents in herbicides used in support of
14 United States and allied military operations in Vietnam
15 during the Vietnam era; and

16 (3) health hazards resulting from active military,
17 naval, or air service in Vietnam during the Vietnam
18 era.

19 (b) **PROGRAM REQUIREMENTS.**—(1) Under the pro-
20 gram established pursuant to subsection (a), the Secretary
21 shall, pursuant to criteria prescribed pursuant to paragraph
22 (2), award contracts or furnish financial assistance to non-
23 Government entities for the conduct of studies referred to in
24 subsection (a).

1 (2) The Secretary shall prescribe criteria for (A) the se-
2 lection of entities to be awarded contracts or to receive finan-
3 cial assistance under the program, and (B) the approval of
4 studies to be conducted under such contracts or with such
5 financial assistance.

6 (c) REPORT.—The Secretary shall promptly report the
7 results of studies conducted under the program to the Com-
8 mittees on Veterans' Affairs of the Senate and the House of
9 Representatives.

10 (d) CONSULTATION WITH THE NATIONAL ACADEMY
11 OF SCIENCES.—(1) To the extent provided under any agree-
12 ment entered into by the Secretary and the National Acade-
13 my of Sciences under this Act—

14 (A) the Secretary shall consult with the Academy
15 regarding the establishment and administration of the
16 program under subsection (a); and

17 (B) the Academy shall review the studies conduct-
18 ed under contracts awarded pursuant to the program
19 and the studies conducted with financial assistance fur-
20 nished pursuant to the program.

21 (2) The agreement shall require the Academy to submit
22 to the Secretary and the Committees on Veterans' Affairs of
23 the Senate and the House of Representatives any recommen-
24 dations that the Academy considers appropriate regarding
25 any studies reviewed under the agreement.

1 (e) FUNDING.—The authority of the Secretary to carry
2 out this section is effective in any fiscal year only to the
3 extent or in the amount specifically provided in statutory lan-
4 guage in appropriations Acts.

5 (f) EFFECTIVE DATE.—(1) This section shall take effect
6 at the end of the six-month period beginning on the date on
7 which the first report of the National Academy of Sciences
8 under section 3(f) is received by the Secretary, except that
9 this section shall not take effect if the Secretary, after receiv-
10 ing that report and before the end of that six-month period—

11 (A) determines that it is not feasible or cost-effec-
12 tive to carry out this section or that carrying out this
13 section would not make a material contribution to the
14 body of scientific knowledge concerning the health ef-
15 fects in humans of herbicide exposure; and

16 (B) notifies the Committees on Veterans' Affairs
17 of the Senate and House of Representatives of the
18 Secretary's determination and the reasons therefor.

19 (2) In making a determination under this subsection, the
20 Secretary shall give great weight to the views and recom-
21 mendations of the Academy expressed in that report with
22 respect to the implementation of this section.

1 SEC. 9. BLOOD TESTING OF CERTAIN VIETNAM-ERA VETER-
2 ANS.

3 (a) BLOOD TESTING.—Subject to subsections (d) and
4 (e), in the case of a veteran described in section 610(e)(1)(A)
5 of title 38, United States Code, who—

6 (1) has applied for medical care from the Depart-
7 ment of Veterans Affairs; or

8 (2) has filed a claim for, or is in receipt of disabil-
9 ity compensation under chapter 11 of title 38, United
10 States Code,

11 the Secretary of Veterans Affairs shall, upon the veteran's
12 request, obtain a sufficient amount of blood serum from the
13 veteran to enable the Secretary to conduct a test of the
14 serum to ascertain the level of 2,3,7,8-tetrachlorodibenzo-p-
15 dioxin (TCDD) which may be present in the veteran's body.

16 (b) NOTIFICATION OF TEST RESULTS.—Upon comple-
17 tion of such test, the Secretary shall notify the veteran of the
18 test results and provide the veteran a complete explanation
19 as to what, if anything, the results of the test indicate regard-
20 ing the likelihood of the veteran's exposure to TCDD while
21 serving in the Republic of Vietnam.

22 (c) INCORPORATION IN SYSTEM.—The Secretary shall
23 maintain the veteran's blood sample and the results of the
24 test as part of the system required by section 7.

25 (d) FUNDING.—The authority of the Secretary to carry
26 out this section is effective in any fiscal year only to the

1 extent or in the amount specifically provided in statutory lan-
2 guage in appropriations Acts, but such amount shall not
3 exceed \$4,000,000 in any fiscal year.

4 (e) **EFFECTIVE DATE.**—(1) This section shall take
5 effect at the end of the six-month period beginning on the
6 date on which the first report of the National Academy of
7 Sciences under section 3(f) is received by the Secretary,
8 except that this section shall not take effect if the Secretary,
9 after receiving that report and before the end of that six-
10 month period—

11 (A) determines that it is not feasible or cost-effec-
12 tive to carry out this section or that carrying out this
13 section would not make a material contribution to the
14 body of scientific knowledge concerning the health ef-
15 fects in humans of herbicide exposure; and

16 (B) notifies the Committees on Veterans' Affairs
17 of the Senate and House of Representatives of the
18 Secretary's determination and the reasons therefor.

19 (2) In making a determination under this subsection, the
20 Secretary shall give great weight to the views and recom-
21 mendations of the Academy expressed in that report with
22 respect to the implementation of this section.

23 **SEC. 10. CONFORMING AMENDMENTS TO PUBLIC LAW 98-542.**

24 (a) **AMENDMENTS TO SECTION 2.**—Section 2 of Public
25 Law 98-542 (38 U.S.C. 354 note) is amended by striking out

1 "that chloracne," in paragraph (5) and all that follows
2 through "herbicides and".

3 (b) AMENDMENTS TO SECTION 3.—Section 3 of such
4 Public Law is amended by striking out "during service in the
5 Armed Forces in the Republic of Vietnam to a herbicide con-
6 taining dioxin or".

7 (c) AMENDMENTS TO SECTION 5.—Section 5 of such
8 Public Law is amended as follow:

9 (1) Subsection (a)(1) is amended by striking out
10 "during service—" and all that follows through "in
11 connection with" and inserting in lieu thereof "during
12 service in connection with".

13 (2) Subsection (b) is amended—

14 (A) by striking out "of exposure to herbicides
15 containing dioxin or" in the first sentence of para-
16 graph (1)(A);

17 (B) by striking out "evidence indicating—" in
18 paragraph (2)(B) and all that follows through
19 "(ii) a connection to" and inserting in lieu thereof
20 "evidence indicating a connection to"; and

21 (C) in paragraph (3)—

22 (i) by striking out "herbicide or" in sub-
23 paragraph (A); and

24 (ii) by striking out "a herbicide contain-
25 ing dioxin or" in subparagraph (B).

1 (d) AMENDMENTS TO SECTION 6.—Section 6 of such
2 Public Law is amended as follows:

3 (1) Subsection (a) is amended—

4 (A) in the matter preceding paragraph (1), by
5 striking out “fifteen members” and inserting in
6 lieu thereof “nine members”;

7 (B) in paragraph (1)—

8 (i) by striking out “eleven individuals”
9 and inserting in lieu thereof “six individ-
10 uals”;

11 (ii) by striking out subparagraph (A);

12 (iii) by redesignating subparagraph (B)
13 as subparagraph (A); and

14 (iv) by redesignating subparagraph (C)
15 as subparagraph (B) and striking out “five
16 individuals” in that subparagraph and insert-
17 ing in lieu thereof “three individuals”; and

18 (C) in paragraph (2)—

19 (i) by striking out “four individuals” and
20 inserting in lieu thereof “three individuals”;
21 and

22 (ii) by striking out “or dioxin”.

23 (2) Subsection (d) is amended—

24 (A) by striking out “eleven” in paragraph (1)
25 and inserting in lieu thereof “six”; and

1 (B) by striking out "be divided into" in para-
2 graph (2) and all that follows through "(B) an
3 eight-member panel with" and inserting in lieu
4 thereof "have".

5 (e) EFFECTIVE DATE.—(1) Except as provided in para-
6 graph (2), the amendments made by this section shall take
7 effect at the end of the six-month period beginning on the
8 date of the enactment of this Act.

9 (2)(A) If the Secretary of Veterans Affairs determines
10 before the end of such six-month period that the Environmen-
11 tal Hazards Advisory Committee established under section 6
12 of Public Law 98-542 (38 U.S.C. 354 note) has completed its
13 responsibilities under that section and the directives of the
14 Secretary pursuant to the Nehmer case court order, the
15 amendments made by this section shall take effect as of the
16 date of such determination.

17 (B) For purposes of this paragraph, the term "Nehmer
18 case court order" means the court order dated May 2, 1989,
19 in the case of Nehmer v. Department of Veterans Affairs, in
20 the United States district court for the northern district of
21 California (civil action docket number C-86-6160 TEH).

22 (3) If the Secretary makes a determination under para-
23 graph (2), the Secretary shall promptly publish in the Federal
24 Register a notice that such determination has been made and

- 1 that such amendments have thereby taken effect as of the
- 2 date of such determination.

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